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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/363,339
Filing Date: July 29, 1999
Appellant(s): YOUNG ET AL.

RECEIVED

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Technology Center 2600

Richard W. Knight
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 08/052/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-25 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,724,406	JUSTER	03-1998
5,243,643	SATTAR ET AL.	09-1993
4,652,700	MATTHEWS ET AL.	03-1987
6,094,239	WEBER	07-2000
5,355,406	CHENCINSKI ET AL.	10-1994

(10) Grounds of Rejection

10.1 Claims 1 and 17 are rejected under 35 U.S.C. 102(b) Juster US 5,724,406.

This rejection has been withdrawn after Appeal Brief, see explanation on section 11.1 of this Examiner answer.

10.2 Claims 1, 2, 8-15, 17, 18 and 20-24 are rejected under 35 U.S.C. 102(b) by Sattar US 5,243,643.

Regarding claims 1 and 17, Sattar discloses a voice processing system with configurable caller interfaces. Sattar teaches a caller interface module comprising call

flows functions (figure 2B; column 13, line 26 to column 14, lines 10), such as recording a voice message, playing a voice message, or prompts to a caller (column 9, lines 52-61). The caller interface module inherently includes computer codes (every computer program stored in a computer readable medium is coded), and a customization list (all the vectors listed in Appendix A reads on the claimed list), wherein the list comprises a table (each vector has its collection of "Events" and "Vectors" and such collection reads on the claimed table. For example, the first vector POgRecIn in the Appendix A listed 6 events with 6 vectors for each event to perform a corresponding action) (column 28, lines 24-29).

Each table (i.e. collection of actions for a particular vector) with a list of names and a modifiable list of corresponding DTMF signal identifiers, for example vector POgRecIn (first vector in Appendix A) comprising a list of names (POgNoChg, POifT5, POgreet, and POrecGrt) and a modifiable list of DTMF identifier (#, *, 0, 5) so that a customer may edit (change) the DTMF identifier to customized the call flows, such that instead of entering a DTMF identifier "5" to record a greeting message (through vector POrecGrt), the customer may change the DTMF identifier form "5" to "1", "2", "3" or "4" for function POrecGrt (column 28, lines 27-39). Vector POMenu (fifth vector in column 37) also has a table, which inherently is modifiable. Sattar also teaches a network applications platform running on a computer (APE and APEX, column 15, lines 1-19; column 28, lines 1-6) enabling a user to edit (modify) the DTMF identifier.

Regarding claim 2, Satter further teaches a main module comprising code and call flow functions that are specific to a customer (column 26, lines 34-44).

Regarding claim 8, it is inherent that for the system to function properly, the module is loaded during application initialization process.

Regarding claim 9, Satter further teaches different tables for different callers (column 28, lines 40-51).

Regarding claim 10, Satter teaches that the module contains call flow functions and code for a particular customer (column 28, lines 18-37).

Regarding claim 11, Satter teaches call flow functions are used by a plurality of users (column 28, lines 40-51).

regarding claims 12-14, Satter teaches a storage medium, relational database 60, which may be an integral part of computer 40 or network based (column 9, lines 28-43). Since magnetic medium and optical medium are commonly used, then selecting either one of them will be a matter of design choice.

Regarding claim 15, Satter teaches that the application is a voice mail system (column 26, lines 34-44).

Regarding claim 18, Satter further teaches a main module comprising code and call flow functions that are specific to the customer (column 26, lines 34-44).

Regarding claim 20, it is inherent that for the system to function properly, the module is loaded during application initialization process.

Regarding claim 21, Satter further teaches different tables for different callers (column 28, lines 40-51).

Regarding claim 22, Satter teaches that the module containing call flows are specific to the particular customer as discussed in claim 17.

Regarding claim 23, Satter teaches call flow functions are used by a plurality of users (column 28, lines 40-51).

Regarding claim 24, Satter teaches that the application is a voice mail system (column 26, lines 34-44).

10.3. Claims 3-5, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satter et al. US 5,243,643 in view of Matthews et al. US Patent No. 4,652,700.

Regarding claims 3 and 19, Satter teaches result list names (column 29-30, Pogreet, POrecGrt of Vector PogRecln), break list names (column 43-44, PopwdCan of Vector PopwdCnf), delimiter list names and (time out or t/o), but fails to teach double digit names.

However, Matthews discloses voice mail system and teaches a double-digit user selection (column 25, line 59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Satter reference with the teaching of Matthews, so that the list would have included double-digit names, because such a modification would have enabled Satter's system to present more than 10 options to a user.

Regarding claim 4, the Satter's reference, modified by Matthews, Satter teaches that the result list refers to a nest call state (column 28, lines 27-29).

Regarding claim 5, the Satter's reference, modified by Matthews, a canceling call state (PopwdCnf) inherently stops a prompt.

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10.5 Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satter et al. US 5,243,643 in view of Matthews et al. US Patent No. 4,652,700 and further in view of Weber, US Patent No. 6,094,239.

The Satter's reference, modified by Matthews, teaches using double digit list names, but fails to teach that when two DTMF tones entered by a user within a predetermined period, a double-digit list function (or event) is executed.

However, it is well known in the art that if an application has double-digit functions, a user may enter two digits with in a predetermined period to activate a double-digit related function as the Weber reference states in column 2, lines 8-15. It is inherent that delimiter such as time out determines the end of a caller's input.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Satter reference, which was modified by Matthews, with the teaching of Weber, so that a sequence of two DTMF tones are entered within a predetermined period, a single event would have followed, because such a modification would have enabled a customer to operate a system with double-digit functions.

10.6 Claims 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satter et al. US 5,243,643 in view of Chencinski et al., US Patent No. 5,355,406.

Satter teaches a voice messaging system with a user configurable interface, but fails to specifically teach that his system is used in a bank by phone application.

However, Chencinski discloses an integrated application controlled call processing and messaging system. Chencinski also discloses a bank by phone system (column 27, lines 65-68; column 28, lines 1-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Satter reference with the teaching of Chencinski, so that a bank by phone application would have been implemented, because such a modification would have made the system more versatile.

(11) Response to Argument

11.1 Rejection by Juster for claims 1 and 17

This rejection has been withdrawn in view of the applicants' argument in the Appeal Brief. In Juster, a user may select an appropriate CPP to generate prompts and tone response, not "change" or "modify" the DTMF signals for a single CPP (page 17, lines 17-20 of the Appeal Brief), and CPPs are not a customization list comprising a table with a list of names and modifiable list of corresponding DTMF signal identifier as claimed in claim 1 (page 18, lines 19-21 of the Appeal Brief).

11.2 Rejection by Sattar for claims 1 and 17:

1) The applicants argue that in the current application, call flow functions are distinct and separate from code (a.k.a. functions) (page 9, lines 9-11 of Appeal Brief).

Examiner does not clear if Applicants want to argue that "call flow functions" are not the same as "functions". If this is the case, then how can "functions" of call flows be distinct from "functions"?

Also, the Examiner likes to point out that claims 1 and 17 merely state: "a module comprising call flow functions, code and a customization list". The claims do not exclude the customization list relating to call flow functions.

Furthermore, in the current invention, call flow functions are computer codes (stored in a standard module) as stated in the Specification, page 17, lines 26-27: "A module for a specific customer is basically the standard module "compiled" with the appropriate Customization List".

2) The applicants also argue that both call flow functions and code are distinct and separate from customization lists (page 9, lines 9-11 of Appeal Brief).

Sattar teaches a list with functions, but the claims (claim 1 and 17) do not state that the customization list does not have functions. Further, the customization list of current invention is related to call flow functions. In the specification page 17, lines 26-28: "A module for a specific customer is basically the standard module "compiled" with the appropriate Customization List. The output of this build or compile is a set of files that is loaded by the NAPTool Runtime Environment during application initialization". Also in line 29: "Customization list should also be used in the Main module: It is clear

that the customization list may be separate from, or put into, a main module (which with call flow functions), and after compilation and initialization, the customization list (including the DTMF identifiers) becomes part of the call flow functions.

3) The applicants further argue that DTMF values of the customization list are stored separately from call flow functions (page 29, lines 1-8 of the Appeal Brief).

Claims 1 and 17 do not recite that the customization list is stored separately from the claimed call flow functions. Sattar's vectors (customization list) are related to (pointed to, or call up) call flow functions, but separated stored from the call flow functions (or subroutines) that perform the actual actions such as playing, recording, saving and deleting voice messages.

4) The applicants further argue that the customization list in the current invention is not hard-coded (page 30, lines 8-16 on the Appeal Brief).

Again, this limitation is not claimed in claims 1 and 17. Further, according to the Specification (page 17, lines 26-28), the customization list of the current invention *is* hard-coded, because it requires compilation with a standard module in order to be loaded into the (computer) application (call flow functions) for customization. A computer program which requires compilation after changes in coding, is hard-coded.

11.3 Rejection by Sattar for claims 2, 8-15, 17, 18, 20-24:

Applicants argue that these dependent claims should be allowed because the independent claims 1 and 17 are allowable. There is no further argument for these claims (page 27, lines 14-18 of the Appeal Brief).

11.4 Rejection by Sattar in view of Matthews, Weber and Chencinski for claims 3-7, 16, 19 and 25:


The Applicants argue that none of the references cited are directed to a system whereby DTMF mapping can be accomplished by a customer lacking programming skills by modifying a customization list that is distinct and separate from the call flows and the functions/code (page 28, lines 4-7 of the Appeal Brief).

As stated in the rejection of claims 1 and 17, Sattar teaches a table (such as Vector POGRecln) with a list of names and a modifiable list of corresponding (mapping) DTMF signal identifiers, for example vector POGRecln (first vector in Appendix A) comprising a list of names (POGNoChg, POifT5, POGreet, and POGrecGrt) and a modifiable list of DTMF identifier (#, *, 0, 5) so that a customer may edit (change) the DTMF identifier to customized the call flows, such that instead of entering a DTMF identifier "5" to record a greeting message (through vector POGrecGrt), the customer may change the DTMF identifier from "5" to "1", "2", "3" or "4" for function POGrecGrt (column 28, lines 27-39). Sattar also teaches a network applications platform running on a computer (APE and APEX, column 15, lines 1-19; column 28, lines 1-6) enabling a user to edit (modify) the DTMF identifier in the vector POGReclN.

Further, these claims never state that the customization list does not have functions, and modifying the DTMF identifier is performed by a customer lacking programming skill.

For the above reasons, it is believed that the final rejection by Sattar should be sustained.

Conferee: Simon Sing



Fan Tsang


SPEC of AU2645

Roland Foster


PRIMARY EXAMINER

October 29, 2004